

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENT WARD, No C 09-4565 VRW
Plaintiff, ORDER
v
EQUILON ENTERPRISES LLC and SHELL
OIL PRODUCTS COMPANY LLC,
Defendant.

Defendants removed this action from Contra Costa County superior court on September 28, 2009, alleging the court had diversity jurisdiction pursuant to 28 USC § 1332. Doc #1. Defendants allege they are "informed and believe[]" that the amount in controversy exceeds \$75,000 as required by section 1332(a). Id at 2 ¶4. The complaint seeks an unspecified amount in damages "according to proof." Doc #1 at 8.

A defendant removing under section 1332 must show by a preponderance of the evidence that the amount in controversy requirement is satisfied. Valdez v Allstate Ins Co, 372 F3d 1115, 1117 (9th Cir 2004). Allegations based on information and belief

1 "hardly constitute[] proof 'by a preponderance of the evidence.'"
 2 Id.

3 Defendants here have not yet shown by a preponderance of
 4 the evidence that the amount in controversy requirement is
 5 satisfied. Accordingly, defendants are ORDERED to SHOW CAUSE in
 6 writing on or before January 15, 2010 why the case should not be
 7 remanded to Contra Costa County superior court. The matter will be
 8 submitted on the papers.

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 11 IT IS SO ORDERED.

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14 VAUGHN R WALKER
 15 United States District Chief Judge
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